

**DECISION**  
**MINOR VARIANCE / PERMISSION**

<b>Date of Decision:</b>	October 27, 2023
<b>Panel:</b>	1 - Urban
<b>File No(s):</b>	D08-02-23/A-00234
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Eric Ross
<b>Property Address:</b>	87 Concord Street North
<b>Ward:</b>	17 - Capital
<b>Legal Description:</b>	Part of Lot 4, Registered Plan 48
<b>Zoning:</b>	R4UD
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	October 18, 2023, in person and by videoconference

**APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Owner wants to construct a second storey addition over the existing front porch, as shown on plans filed with the Committee.

**REQUESTED VARIANCES**

- [2] The Owner requires the Committee's authorization for a minor variance from the Zoning By-law to permit a reduced corner side yard setback (Havelock Street) of 1.62 metres, whereas the By-law requires a minimum corner side yard setback of 2.5 metres.
- [3] The Application indicates that the Property is not the subject of any other current application under the *Planning Act*.

**PUBLIC HEARING**

- [4] Prior to the hearing on October 18, 2023, the Committee received an adjournment request from the Old Ottawa East Community Association to allow City Forestry to provide specific tree protection instructions.

- [5] City Forester Heather Murray confirmed that the plan shown in the Tree Information Report has been revised to better reflect the tree protection fencing zone.
- [6] The Committee also heard from J. Sleiman, representing the Old Ottawa East Community Association, who confirmed that the Community Association has seen the revised Tree Information Report and that their concerns regarding tree protection had been addressed.
- [7] The Committee agreed to hear the application without delay.

### **Oral Submissions Summary**

- [8] Dave Jones responded to questions from the Committee.
- [9] The Committee also heard oral submissions from the following individuals:
  - J. Sleiman who confirmed the Old Ottawa East Community Association has no further concerns with the application.
- [10] City Planner Margot Linker responded to questions from the Committee.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**

### **Application(s) Must Satisfy Statutory Four-Part Test**

- [11] The Committee has the power to authorize a minor variance from the provisions of the Zoning By-law if, in its opinion, the application meets all four requirements under subsection 45(1) of the *Planning Act*. It requires consideration of whether the variance is minor, is desirable for the appropriate development or use of the land, building or structure, and whether the general intent and purpose of the Official Plan and the Zoning By-law are maintained.

### **Evidence**

- [12] Evidence considered by the Committee included any oral submissions made at the hearing, as highlighted above, and the following written submissions held on file with the Secretary-Treasurer and available from the Committee Coordinator upon request:
  - Application and supporting documents, including cover letter, plans, streetscape character analysis form, revised tree information reports, photo of the posted sign, and a sign posting declaration.
  - City Planning Report received by email October 12, 2023, with no concerns.

- Rideau Valley Conservation Authority email dated October 12, 2023, with no objections.
- Hydro Ottawa email dated October 5, 2023, with no concerns.
- Ministry of Transportation email dated October 10, 2023, with no concerns.
- J. Dance, Chair Old Ottawa East Community Association, by email October 17, 2023, with concerns and requesting an adjournment.

### **Effect of Submissions on Decision**

- [13] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [14] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [15] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The report highlights that "the addition will follow the footprint of the existing porch and not be closer to the corner side lot line than the middle portion of the building." The report also highlights that the "building will continue to have a much larger front yard setback than the abutting neighbours to the north, this request will not decrease the amount of soft landscaping in the corner side yard, and it will not reduce the visibility for vehicles, cyclists or pedestrians at the corner."
- [16] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [17] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested variances are, from a planning and public interest point of view, desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands.
- [18] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [19] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development on the property that is compatible with the surrounding area.
- [20] Moreover, the Committee finds that the requested variances, both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

[21] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped September 15, 2023, as they relate to the requested variances.

*"Ann M. Tremblay"*  
ANN M. TREMBLAY  
CHAIR

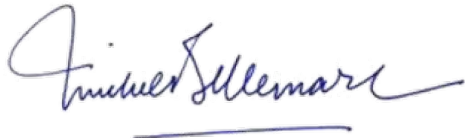
*"John Blatherwick"*  
JOHN BLATHERWICK  
MEMBER

*"Simon Coakeley"*  
SIMON COAKELEY  
MEMBER

*"Arto Keklikian"*  
ARTO KEKLIKIAN  
MEMBER

*"Sharon Lécuyer"*  
SHARON LÉCUYER  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **October 27, 2023**.



Michel Bellemare  
Secretary-Treasurer

#### **NOTICE OF RIGHT TO APPEAL**

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form along with payment must be received by the Secretary-Treasurer of the Committee of Adjustment by **November 16, 2023**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE Drive, 4<sup>th</sup> floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the OLT website at <https://olt.gov.on.ca/>. The Ontario Land Tribunal has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application. Payment can be made by certified cheque or money order made payable to the Ontario Minister of Finance, or by

credit card. Please indicate on the Appeal Form if you wish to pay by credit card. If you have any questions about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca).

Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A “specified person” does not include an individual or a community association.

There are no provisions for the Committee of Adjustment or the Ontario Land Tribunal to extend the statutory deadline to file an appeal. If the deadline is not met, the OLT does not have the authority to hold a hearing to consider your appeal.

*Ce document est également offert en français.*

**Committee of Adjustment**  
City of Ottawa  
[Ottawa.ca/CommitteeofAdjustment](http://Ottawa.ca/CommitteeofAdjustment)  
[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
613-580-2436



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Ville d'Ottawa  
[Ottawa.ca/Comitedederogation](http://Ottawa.ca/Comitedederogation)  
[cded@ottawa.ca](mailto:cded@ottawa.ca)  
613-580-2436